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In re Application of
BEN-OREN et al.
Application No.: 10/519,723
PCT No.: PCT/IL03/00178
Int. Filing: 06 March 2003
Priority Date: 28 June 2002
Attorney Docket No.: 4350-4005
For: MANAGEMENT OF GASTRO-INTESTINAL
DISORDERS

DECISION ON
PETITION UNDER
37 CFR 1.181

This is a decision on applicants' "PETITION UNDER 37 CFR 1.181(A)(3)", requesting that the Notification of Missing Requirements dated 07 September 2005 be vacated. The petition was filed in the United States Patent and Trademark Office (USPTO) on 21 September 2005. No petition fee is required.

BACKGROUND

On 28 December 2004, applicants filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 26 July 2005, applicants filed a transmittal letter along with a Combined Declaration and Power of Attorney with a check for \$130. These originally filed papers are located in the application file.

On 07 September 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 21 September 2005, in response to the Notification of Missing Requirements, applicant filed the instant response with a copy of 26 July 2005 response, including, *inter alia*, a copy of the declaration and an itemized USPTO date-stamped postcard.

DISCUSSION

The papers originally filed on 26 July 2005 are located in the application file including an declaration, executed by the joint inventors in compliance with 37 CFR 1.497(a) and (b). A review of the finance records for 10/519,723 indicates that the \$130 surcharge was paid.

The Notification of Missing Requirements mailed 07 September 2005 was sent in error and is hereby VACATED.

CONCLUSION

The request to withdraw the Notification of Missing Requirements is **GRANTED**.

For the reasons set forth above, the Notification of Missing Requirements mailed 07 September 2005 are hereby **VACATED**.

The application will be forward to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **26 July 2005**.


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459